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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

STANDARD FABRICS
INTERNATIONAL, INC., a California
Corporation,

Plaintiff,

v.

TARGET CORPORATION, a
Minnesota Corporation; TURN ON
PRODUCTS, INC., individually and
d/b/a Almost Famous Clothing, a New
York Corporation; and DOES 1 through
10,

Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT;
2. VICARIOUS AND/OR
CONTRIBUTORY COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

Plaintiff STANDARD FABRICS INTERNATIONAL, INC. (hereinafter
"STANDARD"), by and through its undersigned attorneys, hereby prays to this
honorable Court for relief based on the following:

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1 otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff,
2 which therefore sues said Defendants by such fictitious names, and will seek leave to
3 amend this Complaint to show their true names and capacities when same have been
4 ascertained.

5 5. Plaintiff is informed and believes and thereon alleges that at all times
6 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
7 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
8 at all times acting within the scope of such agency, affiliation, alter-ego relationship
9 and/or employment; and actively participated in or subsequently ratified and
10 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of
11 all the facts and circumstances, including, but not limited to, full knowledge of each
12 and every violation of Plaintiff's rights and the damages to Plaintiff proximately
13 caused thereby.

14 **CLAIM RELATED TO DESIGN 7766**

15 6. Prior to the conduct complained of herein, Plaintiff composed an original
16 two-dimensional artwork for purposes of textile printing, which is set forth herein
17 below. It allocated this artwork Plaintiff's internal design number "7766"
18 (hereinafter "Subject Design"). This artwork was a creation of Plaintiff and/or
19 Plaintiff's design team, and is, and at all relevant times was, owned exclusively by
20 Plaintiff.

21 7. Plaintiff applied for and received a United States Copyright Registration
22 for the Subject Design, the registration was granted Registration No. VA 1-881-173,
23 with an effective date of July 25, 2013.

24 8. Prior to the acts complained of herein, Plaintiff sampled and sold fabric
25 bearing the Subject Design to numerous parties in the fashion and apparel industries.

26 9. Plaintiff is informed and believes and thereon alleges that, following this
27 distribution of fabric bearing the Subject Design, TARGET, TURN, and certain
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1 DOE Defendants created, sold, manufactured, caused to be manufactured, imported
2 and/or distributed fabric and/or garments comprised of fabric bearing an
3 unauthorized reproduction of the Subject Design (“Infringing Product”). Such
4 Infringing Product A includes but is not limited to garments sold to the public by
5 TARGET under UPC No. 190040156642 and bearing the label “ALMOST
6 FAMOUS” and RN 97230, indicating it was manufactured by or for TURN.

7 10. Plaintiff is informed and believes and thereon alleges that Defendants, and
8 each of them, have committed copyright infringement with actual or constructive
9 knowledge of Plaintiff’s rights and/or in blatant disregard for Plaintiff’s rights, such
10 that said acts of copyright infringement were, and continue to be, willful, intentional
11 and malicious, subjecting Defendants, and each of them, to liability for statutory
12 damages under Section 504(c)(2) of the Copyright Act in the sum of up to one
13 hundred fifty thousand dollars (\$150,000) per infringement.

14 11. A comparison of Subject Design (left) and a non-exclusive exemplar of
15 Infringing Product (right) is set forth below; it is apparent that the elements,
16 composition, colors, arrangement, layout, and appearance of the designs are
17 substantially similar:

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Subject Design



Infringing Product



FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

12. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

13. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) garments

1 manufactured and sold to the public bearing fabric lawfully printed with the Subject
2 Design by Plaintiff for its customers.

3 14. Plaintiff is informed and believes and thereon alleges that one or more of
4 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is
5 further informed and believes and thereon alleges that said Defendant(s) has an
6 ongoing business relationship with Defendant retailers, and each of them, and
7 supplied garments to said retailer, which garments infringed the Subject Design in
8 that said garments were composed of fabric which featured unauthorized print
9 design(s) that were identical or substantially similar to the Subject Design, or were
10 an illegal derivation or modification thereof.

11 15. Plaintiff is informed and believes and thereon alleges that Defendants, and
12 each of them, infringed Plaintiff's copyright by creating, making, and/or developing
13 directly infringing and/or derivative works from the Subject Design and by
14 producing, distributing and/or selling garments which infringe the Subject Design
15 through a nationwide network of retail stores, catalogues, and through on-line
16 websites.

17 16. Due to Defendants' acts of infringement, Plaintiff has suffered substantial
18 damages to its business in an amount to be established at trial.

19 17. Due to Defendants' acts of infringement, Plaintiff has suffered general and
20 special damages in an amount to be established at trial.

21 18. Due to Defendants' acts of copyright infringement as alleged herein,
22 Defendants, and each of them, have obtained direct and indirect profits they would
23 not otherwise have realized but for their infringement of the Subject Design. As
24 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and
25 indirectly attributable to Defendants' infringement of the Subject Design in an
26 amount to be established at trial.

1 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
2 each of them, have committed acts of copyright infringement, as alleged above,
3 which were willful, intentional and malicious, which further subjects Defendants,
4 and each of them, to liability for statutory damages under Section 504(c)(2) of the
5 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per
6 infringement. Within the time permitted by law, Plaintiff will make its election
7 between actual damages and statutory damages.

8 **SECOND CLAIM FOR RELIEF**

9 (For Vicarious and/or Contributory Copyright Infringement - Against All
10 Defendants)

11 20. Plaintiff repeats, realleges, and incorporates herein by reference as though
12 fully set forth, the allegations contained in the preceding paragraphs of this
13 Complaint.

14 21. Plaintiff is informed and believes and thereon alleges that Defendants
15 knowingly induced, participated in, aided and abetted in and profited from the illegal
16 reproduction and/or subsequent sales of garments featuring the Subject Design as
17 alleged herein.

18 22. Plaintiff is informed and believes and thereon alleges that Defendants, and
19 each of them, are vicariously liable for the infringement alleged herein because they
20 had the right and ability to supervise the infringing conduct and because they had a
21 direct financial interest in the infringing conduct.

22 23. By reason of the Defendants', and each of their, acts of contributory and
23 vicarious infringement as alleged above, Plaintiff has suffered and will continue to
24 suffer substantial damages to its business in an amount to be established at trial, as
25 well as additional general and special damages in an amount to be established at
26 trial.

24. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of the Subject Design, in an amount to be established at trial.

25. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above, which were willful, intentional and malicious, which further subjects Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per infringement. Within the time permitted by law, Plaintiff will make its election between actual damages and statutory damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

Against All Defendants

With Respect to Each Claim for Relief

- a. That Defendants, their agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Design;
- b. That Plaintiff be awarded all profits of Defendants plus all losses of Plaintiff, plus any other monetary advantage gained by the Defendants through their infringement, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. §§ 101, *et seq.*;
- c. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 *et seq.*;

- 1 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
2 e. That Plaintiff be awarded the costs of this action; and
3 f. That Plaintiff be awarded such further legal and equitable relief as the
4 Court deems proper.

5 A TRIAL BY JURY PURSUANT TO FED. R. CIV. P. 38 AND
6 CONSTITUTIONAL AMENDMENT SEVEN IS HEREBY DEMANDED.

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9 Dated: May 30, 2017

By: /s/ Scott A. Burroughs
Scott A. Burroughs, Esq.
Trevor W. Barrett, Esq.
DONIGER / BURROUGHS
Attorneys for Plaintiff